

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARTIN LEE FOSTER,

Case No. 1:22-cv-01358-ADA-SKO

Plaintiff,

ORDER TRANSFERRING CASE

v.

SACRAMENTO PAROLE DEPT. NORTH
HIGHLANDS, et al.,

Defendants.

On October 24, 2022, Plaintiff Martin Lee Foster, a state prisoner, filed a complaint against Defendants Sacramento Parole Dept. North Highlands, Parole Agent Gutierrez, and Parole Agent Wendy. (Doc. 1.) The complaint purports to allege claims pursuant to 42 U.S.C. § 1983 for deprivations of due process and cruel and unusual punishment, apparently arising from the detention by parole agents in North Highlands, California. (*See id.*)

It is apparent from a reading of Plaintiff's allegations in the complaint that the gravamen of this case arose in the Sacramento Division of the Eastern District of California, and any relationship with the Fresno Division is minimal. Plaintiff Martin Lee Foster is presently incarcerated at the

1 Monterey County Jail in Salinas, California, which is located within the Northern—not Eastern—
2 District of California. All of events at issue in the complaint occurred in North Highlands,
3 California, which is located in Sacramento County and is therefore part of the Sacramento Division.
4 All of the named defendants appear to reside in the Sacramento Division. For these reasons, this
5 case should be transferred to the Sacramento Division of the Eastern Division of California.
6 Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper court
7 may, on the Court's own motion, be transferred to the proper court.

8 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

- 9 1. This case is transferred to the Sacramento Division of the United States District Court
10 for the Eastern District of California; and
- 11 2. All future filings shall refer to the new Sacramento case number assigned and shall
12 be filed at:

13 United States District Court
14 Eastern District of California
501 "I" Street, Suite 4-200
Sacramento, CA 95814

15 This Court observes that Plaintiff has neither paid the requisite filing fee for this case, nor
16 has he submitted an application to proceed in forma pauperis.

17 IT IS SO ORDERED.

18 Dated: October 25, 2022

19 /s/ Sheila K. Oberto
20 UNITED STATES MAGISTRATE JUDGE